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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,357	09/25/2003	Douglas D. Hall	DRIA-156	7088

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LOREN G. HELMREICH
BROWNING BUSHMAN, P.C.
SUITE 1800
5718 WESTHEIMER
HOUSTON, TX 77057

EXAMINER

WALKER, ZAKIYA NICOLE

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,357

Applicant(s)

HALL ET AL.

Examiner

Zakiya N. Walker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11062003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 11, 13, 16-18-33, 39, and 45 are objected to because of the following informalities:

Claim 11, lines 2-3, the term "the end port" lacks antecedent basis. Perhaps the term should be replaced with --throughport--.

Claim 13, lines 1-2, the term "the outer member" lacks antecedent basis.

Perhaps the term should be replaced with --the wellhead housing--.

Claim 16, line 2, the term "seal" should be replaced with --plug-- for consistent terminology purposes.

Claim 18, line 5, the term "the outer member" lacks antecedent basis. Perhaps the term should be replaced with --the wellhead housing--.

Claim 19, line 2, the term "the outer housing" should be replaced with --the wellhead housing-- for consistent terminology purposes. In line 3, the term "cover" should be deleted for consistent terminology purposes.

Claim 20, line 6, the term "the inner member" lacks antecedent basis and should be replaced with --the tubular hanger--.

Claim 23, line 1, it appears that the claim should depend from claim 20.

Claim 24, lines 1-2, the term "the inner member" lacks antecedent basis.

Perhaps the inner member/tubular hanger limitation in lines 1-2 should be deleted because the parent claim already sets forth a tubular hanger.

Claim 25, line 3, the term "the outer plug" lacks antecedent basis.

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Claim 26, lines 2-3, the term " the inner member" lacks antecedent basis. The term should be replaced with --the tubular hanger-- [2 occurrences].

Claim 27, lines 2-3, the term "the end port" lacks antecedent basis. Perhaps the term should be replaced with --throughport--.

Claim 32, line 3, the term "radially spaced" should be replaced with --radial spacing--. In line 5, the term "the outer member" lacks antecedent basis. Perhaps the term should be replaced with --the wellhead housing--.

Claim 39, line 1, it appears the claim should depend from claim 38.

Claim 45, line 4, the term "the outer member" lacks antecedent basis. Perhaps the term should be replaced with --the wellhead housing--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-48 are rejected under 35 U.S.C. 102(b) as being anticipated by McGee et al..

McGee et al. discloses an apparatus that includes a radial penetrator assembly for sealingly conducting fluid through the passageway 24 in a wall of a wellhead housing 12 having a central bore and into a port 70 in an inner member 52, 38 positioned within

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the central bore of the wellhead housing, the radial penetrator assembly comprising: a flexible tube 80 extending radially between the passageway in the wellhead housing and sealingly engaging the port in the inner member; a sleeve-shaped adapter 108 extending radially from the wellhead housing and having an adapter bore sealed to the passageway in the wellhead housing; and a radially outer seal 150 between a radially outer portion of the adapter and a radially outer portion of the flexible tube, such that the flexibility of the tube permits an inner portion axis of the tube to be axially offset or slanted with respect to an outer portion axis of the tube. With respect to depending claims 2-19, the reference teaches the limitations as claimed including a metal-to-metal seal, a tapered adapter, a cylindrical sealing surface on tube, the inner member being a hanger with a throughport, a landing shoulder 32, passageway and port having substantially aligned axis, an inner plug/seal removable by threads 78, radial spacing requirements, and a flange 86. With respect to claim 20, the reference discloses a radial penetrator assembly for sealingly conducting fluid through the passageway 24 in a wall of a wellhead housing 12 having a generally cylindrical bore and into a port 70 in a tubular hanger 52, 38 positioned within the central bore of the wellhead housing for suspending a tubular string in a well, the radial penetrator assembly comprising: a flexible tube 80 extending radially between the passageway in the wellhead housing and the port in the tubular hanger; a sleeve-shaped adapter 108 extending radially from the wellhead housing and having an adapter bore sealed to the passageway in the wellhead housing; a radially outer metal-to-metal seal 150 between a radially outer portion of the adapter and radially outer portion of the flexible tube, such that the

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flexibility of the tube permits an inner portion axis of the tube to be axially offset or slanted with respect to an outer portion axis of the tube. With respect to depending claims 21-33, the reference teaches the imitations as claimed including a landing shoulder 32, a rotational alignment member, an outer seal, a throughport, a passageway and port having substantially aligned axis, an inner seal removable by threads, radial spacing requirements, and a flange 86. With respect to claim 34, the reference discloses a method of sealingly conducting fluid through the passageway in a wall of a wellhead housing having a central bore and into a pod in an inner member positioned within the central bore of the wellhead housing, the method comprising: radially extending a flexible tube between the passageway in the wellhead housing and the port in the inner member; providing a sleeve-shaped adapter extending radially from the wellhead housing and having an adapter bore sealed to the passageway in the wellhead housing; and forming a radially outer seal between a radially outer portion of the adapter and radially outer portion of the flexible tube, such that the flexibility of the tube permits an inner portion axis of the tube to be axially offset or slanted with respect to an outer portion axis of the tube. With respect to depending claims 35-48, the reference teaches the method as claimed including a metal-to-metal seal, a tapered adapter, a cylindrical sealing surface on tube, the inner member being a hanger with a throughport, a landing shoulder, passageway and port having substantially aligned axis, an inner plug/seal removable by threads, radial spacing requirements, and a flange (see reference numbers above).

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4. Claims 1, 2, 4-17, 20-31, 34-38, 40-44, 47, and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Beson.

Beson discloses an apparatus that includes a radial penetrator assembly for sealingly conducting fluid through the passageway 310 in a wall of a wellhead housing 11 having a central bore and into a port 61 in an inner member 43 positioned within the central bore of the wellhead housing, the radial penetrator assembly comprising: a flexible tube 302 extending radially between the passageway in the wellhead housing and sealingly engaging the port in the inner member; a sleeve-shaped adapter 330 extending radially from the wellhead housing and having an adapter bore sealed to the passageway in the wellhead housing; and a radially outer seal 320 between a radially outer portion of the adapter and a radially outer portion of the flexible tube, such that the flexibility of the tube permits an inner portion axis of the tube to be axially offset or slanted with respect to an outer portion axis of the tube. With respect to depending claims 2 and 4-17, the reference teaches the limitations as claimed including a metal-to-metal seal, a cylindrical sealing surface on tube, the inner member being a hanger with a throughport, a landing shoulder 37, passageway and port having substantially aligned axis, and an inner plug/seal removable by threads 304. With respect to claim 20, the reference discloses a radial penetrator assembly for sealingly conducting fluid through the passageway 310 in a wall of a wellhead housing 11 having a generally cylindrical bore and into a port 61 in a tubular hanger 43 positioned within the central bore of the wellhead housing for suspending a tubular string in a well, the radial penetrator assembly comprising: a flexible tube 302 extending radially between the passageway in

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the wellhead housing and the port in the inner member; a sleeve-shaped adapter 330 extending radially from the wellhead housing and having an adapter bore sealed to the passageway in the wellhead housing; a radially outer metal-to-metal seal 320 between a radially outer portion of the adapter and radially outer portion of the flexible tube, such that the flexibility of the tube permits an inner portion axis of the tube to be axially offset or slanted with respect to an outer portion axis of the tube. With respect to depending claims 21-31, the reference teaches the imitations as claimed including a landing shoulder 37, a rotational alignment member, an outer seal, a throughport, a passageway and port having substantially aligned axis, and an inner seal removable by threads. With respect to claim 34, the reference discloses a method of sealingly conducting fluid through the passageway in a wall of a wellhead housing having a central bore and into a pod in an inner member positioned within the central bore of the wellhead housing, the method comprising: radially extending a flexible tube between the passageway in the wellhead housing and the port in the inner member; providing a sleeve-shaped adapter extending radially from the wellhead housing and having an adapter bore sealed to the passageway in the wellhead housing; and forming a radially outer seal between a radially outer portion of the adapter and radially outer portion of the flexible tube, such that the flexibility of the tube permits an inner portion axis of the tube to be axially offset or slanted with respect to an outer portion axis of the tube. With respect to depending claims 35-48, the reference teaches the method as claimed including a metal-to-metal seal, a cylindrical sealing surface on tube, the inner member being a hanger with a throughport, a landing shoulder, passageway and port having

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substantially aligned axis, and an inner plug/seal removable by threads (see reference numbers above).

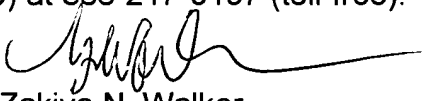
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rector teaches a valved tubing hanger and a radial penetrator assembly.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya N. Walker whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Zakiya N. Walker
Primary Examiner
Art Unit 3672

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April 22, 2005